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In re Application of :
Ebden, et al. : LETTER REGARDING PTA
Application No. 10/525,495 :
Filed: February 23, 2005 :
Atty. Dkt. No.: : 06275-443US1 :
100817-1P US

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed September 22, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed July 25, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 438 days. Applicants indicate that this adjustment appears to be longer than appropriate because the Office neglected to assess a reduction in connection with the IDS filed July 10, 2008. The issue fee was received October 10, 2008.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 341 days.

As reflected in the Determination of Patent Term Adjustment mailed July 25, 2008, an adjustment of 529 can be attributed to the Office in accordance with 37 CFR 1.702(a)(1). As further reflected by the Determination of Patent Term Adjustment, the adjustment is properly reduced 91 days in accordance with 37 CFR 1.704(b) in connection with the response filed April 4, 2008.

However, as indicated by applicants, the Office failed to assess an adjustment in connection with the IDS filed July 10, 2008. Therefore, the adjustment is further properly reduced 97 days in accordance with 37 CFR 1.704(c)(8). The reduction commenced April 5, 2008, the day after the date that an initial reply to a non-final Office action was filed and ended July 10, 2008, the date that the IDS was filed.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 341 days (adjustments totalling 529 days less reductions totalling 188 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the Alesia M. Brown at (571) 272-3205.

Kery A. Fries

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Tuesday
Date: 12/16/2008**PALM INTRANET**

Time: 11:31:30

PTA Calculations for Application: 10/525495

Application Filing Date:	02/23/2005	PTO Delay (PTO):	529
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	91
Post-Issue Petitions:	0	Total PTA (days):	341
PTO Delay Adjustment:	-97		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
38	12/16/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		97	
31	07/25/2008	MAIL NOTICE OF ALLOWANCE			
30	07/21/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
29	07/21/2008	CASE DOCKETED TO EXAMINER IN GAU			
28	07/21/2008	NOTICE OF ALLOWABILITY			
27	07/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	10/31/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	07/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	05/08/2008	DATE FORWARDED TO EXAMINER			
23	04/04/2008	RESPONSE AFTER NON-FINAL ACTION		91	17
22	04/04/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	10/31/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
20	10/31/2007	MISCELLANEOUS INCOMING LETTER			
18	10/31/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	10/04/2007	MAIL NON-FINAL REJECTION	529		-1
16	09/28/2007	NON-FINAL REJECTION			
13	02/28/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
12	02/28/2006	REFERENCE CAPTURE ON IDS			
11.7	02/28/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

11	02/28/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	10/06/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	10/06/2005	CASE DOCKETED TO EXAMINER IN GAU			
8	02/23/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
7	02/23/2005	PRELIMINARY AMENDMENT			
6	09/29/2005	CLEARED BY OIPE CSR			
5	09/28/2005	CLEARED BY OIPE CSR			
4	02/24/2005	371 COMPLETION DATE			
3	09/16/2005	APPLICATION DISPATCHED FROM OIPE			
2	09/16/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	02/23/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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